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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,301	04/09/2004	James J. Leskowitz	J-3924	2675

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/822,301	Applicant(s) LESKOWICZ ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This action is responsive to the amendment filed on November 14, 2006.
2. Claims 1-65 are pending.
3. Claims 1-4, 11-12, 23-30, 37-40, 47-52 stand rejected under 35 U.S.C. 102(b) as being anticipated by Neumiller et al. (US Patent No. 5,849,681), hereinafter "Neumiller '681".

Neumiller '681 teaches an aqueous cleaning composition for glass surfaces which comprises at least one nonvolatile organic ether compound having a formula as those recited and is present in an amount from about 0.1 to about 5.0 total weight percent (see abstract; col. 3, lines 1-65), which should inherently possess a limited solubility in water and reduces surface tension of the composition as those recited because same nonvolatile compounds have been utilized. In Example 3, Neumiller '681 teaches an anti-streak glass cleaning composition comprising 0.1500 wt% decyl (sulfophenoxy) benzenesulfonic acid disodium salt; 0.2000 wt% monoethanolamine; 0.6000 wt% ethylene glycol n-hexyl ether; 0.8000 wt% ethylene glycol n-butyl ether; 3.5000 wt% isopropyl alcohol; 0.2500 wt% propylene glycol and balance soft water (see col. 7, lines 50-65). See also Example 8 under col. 9, lines 10-26. Generally, the pH of the composition is above 7, more preferably from 8-13 and ideally from 10-11 (see col. 7, lines 2-6). Neumiller '681 teaches the limitations of the instant claims. Hence, Neumiller '681 anticipates the claims.

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4. Claims 1-8, 15-18, 23-26, 37-44, 47-56 stand rejected under 35 U.S.C. 102(b) as being anticipated by Michael (US Patent No. 5,540,864).

Michael teaches an aqueous, liquid hard surface detergent composition which comprises 0.18 wt% Cocoamidopropyl-dimethyl-2-hydroxy-3-sulfopropylbetaine (amphoteric surfactant); 0.02 wt% Sodium Alkyl (-C₁₃) Sulfate (anionic surfactant); 0.5 wt% monoethanolamine; 3.0 wt% propylene glycol monobutylether (which inherently possess a limited solubility in water and reduces surface tension of the composition as those recited); 3.0 wt% isopropanol and balance deionized water and minors, (see Formula No. 6, col. 12, lines 29-45), wherein the pH is adjusted to about 10.9 (see col. 13, line 21). Michael teaches the limitations of the instant claims. Hence, Michael anticipates the claims.

5. Claims 1-4, 11-12, 23-30, 59-64 stand rejected under 35 U.S.C. 102(b) as being anticipated by Svoboda (US Patent No. 5,798,324).

Svoboda teaches a thickened glass cleaning composition comprising 0.2670 wt% sodium lauryl sulfate; 0.6000 ethylene glycol n-hexyl ether (which inherently possess a limited solubility in water and reduces surface tension of the composition as those recited); 0.8000 wt% ethylene glycol n-butyl ether; 0.0700 wt% Carbopol ® ETD 2623 (crosslinked polyacrylic acid polymer; see col. 2, lines 18-30); 0.1250 wt% propylene glycol and balance deionized water, the composition having a pH of about 10.3 (see Example 2, col. 7, lines 32-50). Associative acrylic copolymers can also be used as the

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thickener (see col. 2, lines 1-30). Svoboda teaches the limitations of the instant claims.

Hence, Svoboda anticipates the claims.

6. Claims 1-4, 11-12, 23-26, 49-52, 59-60, 62-63 stand rejected under 35

U.S.C. 102(b) as being anticipated by Cummings (EP 0,527,625).

Cummings teaches a glass cleaning composition comprising 0.25 wt% ethylene glycol monohexyl ether (which inherently possess a limited solubility in water and reduces surface tension of the composition as those recited); 2.0 wt% ethylene glycol monobutyl ether; 2.0 wt% isopropyl alcohol; 0.1 wt% sodium dodecyl benzene sulfonate; 0.02 wt% polyacrylic acid and balance water (see Example S on page 13). Typically, the pH of the composition is between about 3.5 to about 6.5 when an acidic composition is desired, and between about 7.5 to about 11.5 when an alkaline composition is desired (see page 6, lines 14-17).

7. Claims 5-8, 15-18, 31-34, 41-44, 53-56 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Neumiller '681 as applied to the above claims.

Neumiller '681 teaches the features as described above. In addition, Neumiller '681 teaches that the aqueous glass cleaning composition may also contain one or more surfactants to adjust the surface tension of the composition which include anionic surfactants and amphoteric surfactants (see col. 5, lines 40-48), for example, capryloamphodipropionate (see col. 6, lines 1-2). The surfactant(s) will be employed in the range from 0 to about 5.0 weight percent (see col. 6, lines 9-13). Neumiller '681,

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however, fails to specifically disclose a composition comprising an amphoteric surfactant, and the combination of amphoteric and anionic surfactants.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an amphoteric surfactant or the combination of anionic and amphoteric surfactants to the composition to adjust the surface tension of the composition as taught by Neumiller '681.

8. Claims 9-10, 13-14, 19-22, 35-36, 45-46, 57-58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Neumiller '681 as applied to the above claims, and further in view of Neumiller (US Patent No. 5,716,921), hereinafter "Neumiller '921".

Neumiller '681 teaches the features as described above. Neumiller '681, however, fails to specifically disclose disodium cocamphodipropionate as the amphoteric surfactant.

Neumiller '921 teaches, in an analogous art, the equivalency of disodium caprylamphodipropionate with disodium cocoamphodipropionate as amphoteric surfactants (see col. 3, line 54 to col. 4, line 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute caprylamphodipropionate with disodium cocoamphodipropionate because the substitution of art recognized equivalents as shown by Neumiller '921 is within the level of ordinary skill in the art.

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9. Claims 11-12, 27-36 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Michael as applied to the above claims.

Michael teaches the features as described above. In addition, Michael teaches the equivalency of propylene glycol monobutylether with other glycol ethers such as monoethyleneglycolmonohexyl ether (see col. 7, lines 6-15). Michael also teaches that the balance of the composition is typically water and non-aqueous polar solvents like isopropanol, propylene glycol and mixtures thereof. Michael, however, fails to specifically disclose a composition comprising ethylene glycol n-hexyl ether, and/or propylene glycol.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute propylene glycol monobutylether with monoethyleneglycolmonohexyl ether because the substitution of art recognized equivalents is within the level of ordinary skill in the art as shown by Michael and to incorporate propylene glycol with isopropanol because mixture of these solvents is suggested by Michael.

10. Claims 9-10, 13-14, 19-22, 45-46, 57-58 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Michael as applied to the above claims, and further in view of "Neumiller '921".

Michael teaches the features as described above. Michael, however, fails to specifically disclose disodium cocamphodipropionate as the amphoteric surfactant.

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Neumiller '921 teaches, in an analogous art, that disodium cocoamphodipropionate is an amphoteric surfactant (see col. 3, line 54 to col. 4, line 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the amphoteric surfactant of Michael with disodium cocoamphodipropionate because the substitution of art recognized equivalents as shown by Neumiller '921 is within the level of ordinary skill in the art.

11. Claims 59-65 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Neumiller '681 or Michael as applied to the above claims, and further in view of Svoboda.

Neumiller '681 or Michael teaches the features as described above. Neumiller '681 or Michael, however, fails to specifically disclose the incorporation of acrylic polymer or acrylic copolymer.

Svoboda, in an analogous art, teaches the incorporation of polyacrylic acid polymers or associative acrylic copolymers into compositions for cleaning glass surfaces in order to attain a sufficient viscosity to maintain sufficient cling on a vertical surface (see col. 2, lines 1-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate acrylic polymer or acrylic copolymer into the compositions of Neumiller '681 or Michael because this would provide sufficient cling on a vertical surface as taught by Svoboda.

Response to Arguments

12. Applicant's arguments filed November 14, 2006 have been fully considered but they are not persuasive.

With respect to the anticipation rejections based upon each of the primary references namely, Neumiller '681, Michael, Svoboda and Cummings, Applicants argue that each of these references describe a glass or hard surface cleaner disclosed as including, among other things, a combination of a surfactant and solvent where the solvent can be selected from varying compounds set forth therein. Applicants also argue that these primary references do not recognize the problem being addressed by applicants, do not teach the VOC content of the composition much less teach that the VOC content is less than about 4% by wt., do not teach that at least one solvent included is an evaporative organic solvent having limited solubility in water of less than 20% and reduces the surface tension of the composition to less than 40 dynes/cm, and do not teach that when a co-solvent is present it has at least a different water-solubility or different surface tension reduction capacity from the required evaporative organic solvent. Applicants then argue that, at most, only probabilities or possibilities could result since there is no teaching to direct one skilled in the art as to which of the various components should be selected from the disclosure and in what combination these components should be present, in particular the solvents, in order to obtain applicants' claimed composition.

The Examiner respectfully disagrees with the above arguments because it is clear from the above rejections, see paragraphs 3-6 which were reproduced for applicants' convenience, that each of these references teach compositions with specific examples comprising ingredients which meet the requirements of the present claims. With respect to the limited solubility in water and surface tension of the low-volatile non-VOC evaporative solvent as required in the present claims, as stated above, these properties are inherent in the composition because same ingredients have been utilized, i.e., ethylene glycol n-hexyl ether or propylene glycol monobutylether as the low-volatile non-VOC evaporative solvent. As seen in the paragraphs 3-6 above, each of these references teach cosolvents which meet the requirements of the present claims, i.e., propylene glycol, monoethanolamine and/or isopropanol. Inasmuch as the ingredients exemplified by each of the prior art read on the presently rejected claims, the volatile organic compound (VOC) content of the composition should be within those recited.

With respect to the remaining rejections under 35 USC 103 over Neumiller '681 or Michael alone, or Neumiller '681 or Michael in combination with Neumiller '921 or Svoboda, Applicants argue that these references do not teach or suggest the claimed compositions as set forth above.

The response above apply here as well.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

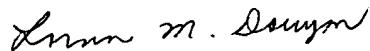
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Lorna M. Douyon
Primary Examiner
Art Unit 1751